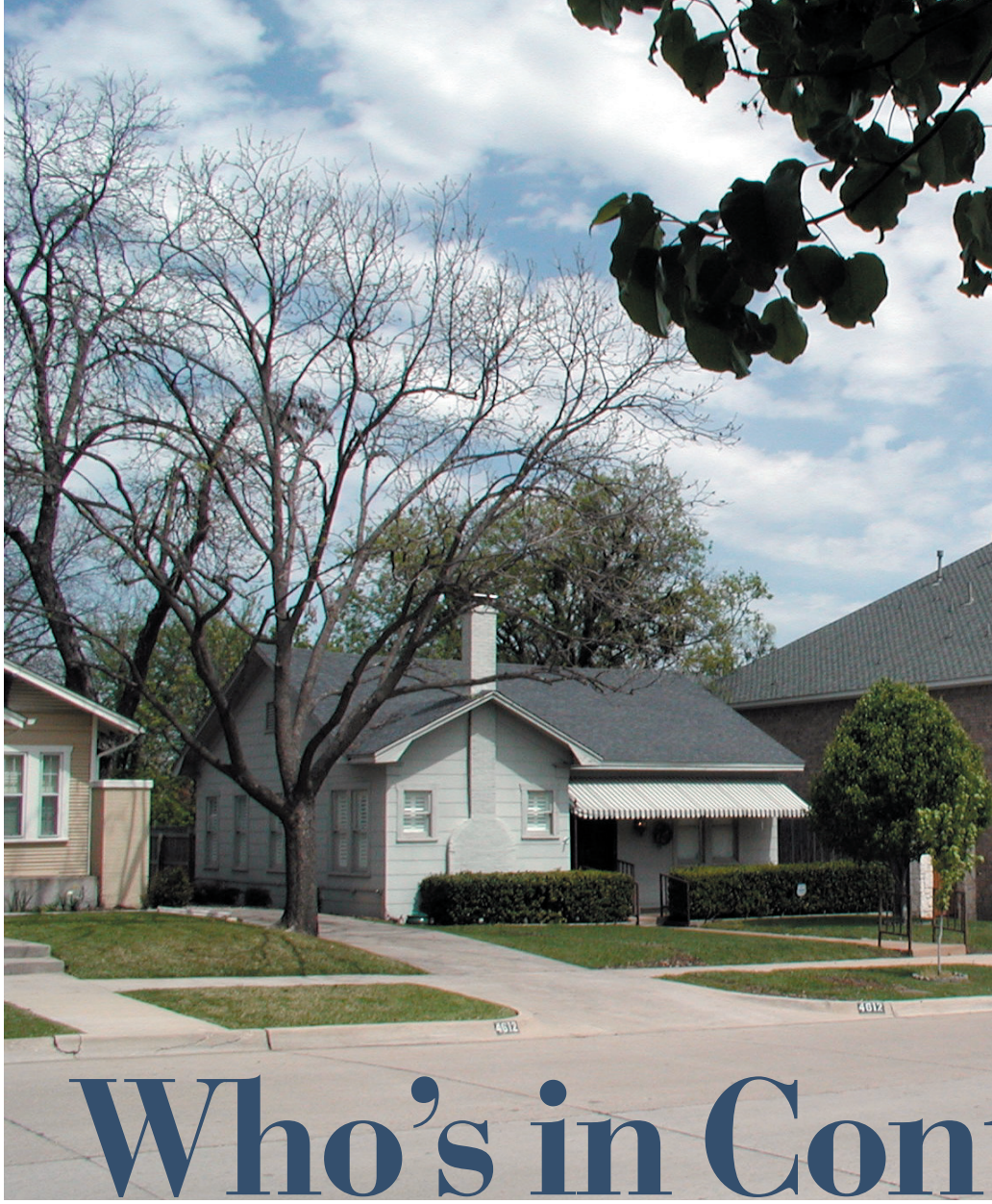

Historic districts are often created to prevent the kind of supersized infill shown here.

Who's in Con

By Elizabeth A. Lunday

When Sherryl Simdon's neighborhood association decided to seek historic district status for Mistletoe Heights, she said no. "If people want to keep their houses in original condition, that's fine. But I don't view my house as a museum—it's my house," she says.

Mistletoe Heights, a collection of Tudor revival homes and Arts and Crafts bungalows located on the bluffs of the Trinity River in Fort Worth, Texas, began pursuing historic district status in 2000 as a way to deal with teardowns. Several properties in the neighborhood had been bought, demolished, and replaced with new, larger houses that were architecturally inconsistent with the rest of the neighborhood. In fact, some said they stood out like sore thumbs.

The neighborhood association worked through Fort Worth's designation process, which requires at least half of the owners of half of the neighborhood properties to sign a petition requesting designation. But Simdon and several of her neighbors didn't like the idea, and organized opposition that ground the nomination process to a halt. Finally, to protect at least part of the neighborhood, the association created a historic district that excludes one corner of the area.

Mistletoe Heights isn't unique among historic neighborhoods in being contorted into odd shapes. "We see these kinds of gerrymandered districts all over the country," says Drane Wilkinson, program coordinator of the National Alliance of Preservation Commissions.

Elizabeth Lunday

trol Here?

Owners' consent is a hot topic in cities seeking to save historic neighborhoods.

"I've also seen districts that looked like Swiss cheese because individual homeowners were allowed to opt out."

Some may blame the owner consent provision of Fort Worth's preservation ordinance for causing the Mistletoe Heights brouhaha, but they are under the false assumption that cities could avoid problems by simply imposing historic districts. In fact, cities around the U.S. often seek property owner opinion whether their ordinance mandates it or not. Ignoring the wishes of owners is an invitation to a fight, according to Lucinda Woodward, historian in the local government and information management unit of the California Office of Historic Preservation.

"You want to push hard to preserve historic areas, but if you're pushing preservation down people's throats, they're going to fight every inch of the way," she says.

The only way to succeed, say preservation officers and activists around the country, is to educate property owners. "People need to understand what they're getting into," said Bohdy Hedgcock, preservation planner with the city of Boulder, Colorado. "There's a lot of misconception about what it means to get into a historic district. People need to understand the benefits as well as the limitations."

Local options

Preservation ordinances around the U.S. generally provide two types of designations for historic places: landmarks and districts. Landmarks are individual properties, while districts are larger areas such as neighborhoods or central business districts. To qualify as historic, properties must be associated with historic events or people—or they must embody the distinctive characteristics of a style or architect. Most historic properties are at least 50 years old, although some more recent structures have also received landmark status.

Local historic designation should not be confused with a listing on the National Register of Historic Places. The National Register seeks to identify historic properties but does not itself provide any protection. Local designation not only recognizes the significance of properties but also generally confers protection against demolition or alteration of historic structures.

In most communities with ordinances, owners of landmark properties or those living within historic districts must apply to their local landmarks or preservation commission before they undertake exterior improvements. All improvements must follow published design guidelines for the individual district or the city at large; many communities base their guidelines on the Secretary of the Interior's Standards for Rehabilitation.

So much for the similarities between historic districts. The differences often center on one issue: owner consent.

Most ordinances do not require the consent of the owner to declare an individual property a landmark. However, to create a historic district, some cities require the formal approval of the district's residents or owners. In some cities, a majority of property owners must approve the district; in others, a majority of owners can stop the process. Some need 50 percent approval, others more. Houston requires the written approval of at least 67 percent of the landowners who own at least 51 percent of the land area. In Connecticut, local historic districts require two-thirds of property owners to support the district in a referendum.

City of Boulder Historic Preservation Program

The Mission Street Historic District in Boulder, Colorado. An owner consent provision may soon be added to the city's 30-year-old preservation ordinance.

Nevertheless, most cities do not require owner consent. "My sense is that most ordinances do not have an owner consent provision," says Wilkinson. A 2004 survey by the Landmarks Preservation Council of Illinois found that among 41 local governments with preservation ordinances, 30 did not require owners to consent to designation, says Lisa DiChiera, the council's director of advocacy.

St. Paul, Chicago, and Providence can create districts without owner approval. Atlanta requires that written notice be sent to all residents in a potential district, and it holds a public meeting, but the final authority for designation rests with the city council.

The courts have supported cities' right to apply historic designations, according to Wilkinson. "Most historic preservation ordinances are based on zoning," says Wilkinson. "The greater good of the community outranks the desires of the one owner. It is for the good of the community to preserve its history."

Owner support versus owner consent

Even when they have the right to designate districts without owner consent, most communities still seek the residents' approval. "You have to have neighborhood buy-in," Wilkinson says. "Even if technically the city could be heavy-handed and impose the district, it would be foolish to do so."

St. Paul doesn't require owner consent to create historic districts. However, "there's been an unspoken—or even a spoken—practice that when they've designated districts, they like to get a majority of the owners behind it," says Amy Spong, historic preservation specialist for the city.

Knoxville also prefers to get owner approval. "Ninety-nine times out of a hundred, it's supposed to be done with the consent of the owners," says Nick Arning, chairman of the historic zoning commission for Knoxville and Knox County. However, if a majority of owners do not agree to create a historic district, the Knoxville city council can impose historic designation. This has happened only a few times, Arning says. In one ongoing dispute, the council is debating whether to establish a historic district in a Civil War battlefield that the owners want to sell to a condominium developer.

While owner support is preferred, Arning says, he's glad the city has the power to create districts without consent. Arning's sentiment is reflected around the country. Although most cities want neighborhood buy-in, they would prefer not to be constrained by owner consent, according to Wilkinson.

The LPCI advises Illinois communities not to include owner consent provisions in their ordinances. "Having no owner consent clause is a safeguard," says DiChiera. "You want that option open to you in the future, when there's a district that absolutely needs to be protected."

Often, Wilkinson says, skeptical owners will eventually come around and support the district. "Sometimes it takes the success of the designation for property owners to see this is a good thing," he says.

The importance of education

Whether or not a city's ordinance requires owner consent, outreach can make the difference between long-term success and failure, preservationists say. "Part of the designation process should be educating the neighborhood," Wilkinson says. "You talk to the community. You help them understand this is protection for their property values. This is a point of neighborhood pride."

Outreach leads to a smoother designation process, says Spong. St. Paul is creating its first new historic district in 14 years—and has made owner outreach a centerpiece of the effort. "We started about two years ago," Spong says. "We held town hall meetings with question and answer sessions. We got the word out before we ever started the legal designation process. It's been very successful."

Cities that do require owner consent need to educate their owners even more, says

DiChiera. She points to Hinsdale, a Chicago suburb that requires owner consent in order to adopt a preservation ordinance. "They are doing quite well getting designations because they have a knowledgeable preservation chair doing a great job getting people educated. They're achieving designations despite the owner consent clause," she says.

Like so many historic districts around the nation, Fort Worth's Mistletoe Heights has become a patchwork of protection. The house on the left is in the Mistletoe historic district; the one on the right is not.

Elizabeth Lunday

New paths for Boulder

Boulder's 30-year-old preservation ordinance may soon include an owner consent provision. Debate about the change arose out of what local preservationist Margaret Hansen calls "the University Hill fiasco." In 2002, the city's nonprofit preservation group, Historic Boulder, applied to the city council to create a historic district in the University Hill neighborhood. Under the city's prevailing preservation rules, the council could approve the district without owner consent.

"Because the application was for such a large district—900 properties—and because we had to act within a set period of time, we couldn't do enough local outreach before a public hearing," says Bohdy Hedgcock. Many University Hill residents were surprised and angry when they found out about the application, and, in the resulting uproar, Historic Boulder withdrew the application.

"Ninety-odd percent of the neighborhood didn't have a clue what a historic district meant," says Hansen, one of the cofounders of Historic Boulder and current chair of its preservation committee. "There was panic. Horror tales were shuttled from one neighbor to the next that had no relationship to reality."

The city's planning department, local residents, and preservationists came up

Preserving Public Buildings

Courthouses, libraries, and city halls are symbols of civic identity, but they were not designed to modern standards of security, safety, and accessibility. Now creative design and innovative technologies are making public buildings safer than ever while preserving their historic character.

Of the challenges facing public buildings, security is the most pressing. "In the times we live in, particularly if there are sensitive government uses within a facility, site security is a priority," says George Siekkinen, senior architect with the National Trust for Historic Preservation.

Security codes often require buildings to be set back from the street to provide blast protection—a difficult task for downtown office buildings. Sometimes barriers can be added, or the building exterior can be hardened.

The General Services Administration, which owns and leases federal government buildings and maintains an inventory of more than 450 historic buildings, has had to seek new space for some security-sensitive users. However, the agency remains committed to downtowns, says Caroline Alderson, program manager in the GSA's Center for Historic Buildings.

Fire protection remains a challenge but not an insurmountable one, says Alderson. Over the years, the industry has developed best practices for adapting historic structures, she says.

Today, many cities and states are adopting "smart codes" for historic structures that allow flexibility in meeting fire protection standards. Codes in California, Maryland, and New Jersey establish performance goals but allow latitude in meeting those goals.

New fire protection technology also allows sensitive protection of historic structures. Very early response and detection systems can reduce the need for suppression systems. Modeling techniques, while pricey, can demonstrate how fires will behave in historic structures.

Seismic retrofit continues to be a significant challenge in earthquake-prone areas. The cost of strengthening historic buildings is high, and many interventions can cause damage to interiors. A high-tech solution called base isolation, which uses large pendulum-type or lead-rubber isolators at the base of load-bearing columns to absorb the impact of an earthquake, is highly effective and doesn't affect interiors at all, but it is also very expensive, says Siekkinen. "Base isolation best preserves the building structure when you have a building that you know is iconic," he adds.

Creative design and innovative use of technology can keep public buildings public and maintain structures as points of identity for the community, says Siekkinen. "The people who built these buildings were trying to make a statement about who they were. Today people can still take their friends downtown and say, 'That's our library, that's our courthouse, that's who we are.'"

with four options for revising the city's ordinance. Option A would not require owner consent but would include a survey of owners. Option B would call a halt to the district designation if more than half of the owners opposed it. Under Option C, 50 percent or more of property owners would be required to sign a petition supporting designation. Option D is similar to B, except that if 51 percent or more residents opposed the district, a supermajority of the landmarks board and city council could override their wishes.

Public outreach has been the key to explaining the four options for University Hill, says Hedgcock. "It's been remarkably successful," adds James Hewat, preservation planner with the city of Boulder. "We've been able to tell people what it means to be a historic district. It's been a trial balloon, but now we have an idea that we're on track with what's proposed."

"The education efforts will give the city council the kind of input they need to make a reasonable decision," Hansen says. "They'll get testimony that will be worth listening to."

Grassroots leadership in Fort Worth

Fort Worth's preservation ordinance includes an owner consent provision that is on the demanding side. Neighborhoods take the lead in writing design guidelines, providing documentation on district properties, conducting education efforts, and getting the approval of property owners.

The city defends the practice as the best way to reflect neighborhood goals and needs. "Each neighborhood with historic significance needs to decide whether or not the city's historic designation would be desirable," says Fernando Costa, AICP, the city's planning director. "The city tends to rely heavily on the initiative of the neighborhood leaders."

Some neighborhoods generally considered historic have chosen not to pursue district status. The Samuels Avenue area is "arguably Fort Worth's oldest neighborhood, and yet as recently as a year or so ago, we worked closely with the neighborhood leaders and property owners to explore this idea, and the majority of owners seemed to be very skepti-

Innovation in the Ozarks

What do you do with an empty farm elevator and feed mill located right in the middle of your downtown's booming revitalization district? You gather as much money as you can, shoot for the stars, and plan to create an amazing new use.

That's what Springfield, Missouri, plans to do. It is looking for funding to turn its 1930s-era Missouri Farm Association feed mill into a center for nanotechnology. The Jordan Valley Innovation Center is part of a $21 million Department of Defense investment intended to create an innovative research center, one of several federally funded research centers around the U.S. It will have the added benefit of boosting the downtown revitalization of Missouri's third largest city (pop. 152,000).

"If not at the top, it's very near the top, of the list for the redevelopment of Springfield," says Greg Williams, senior vice-president of the Springfield Business Development Corporation. "The region's economy will hinge on what is done within the facility."

Over the past five years, once-vacant storefronts in and around Park Central Square have become the epicenter of the city's eclectic nightlife, with funky clothing stores, gourmet restaurants, and a hopping bar scene. But the city has been working for nearly 20 years to redevelop the mill site, located on a main thoroughfare between the city's historic Midtown and the now-popular downtown. The site consists of an eight-story building and several metal silos, eight of them across Phelps Street from the main structure.

The Jordan Valley Innovation Center represents an ambitious private, public, and institutional investment in downtown. The city of Springfield used $1.2 million in HUD funding to complete the purchase of the structure in 2003 and begin renovation. It sold the property, minus the eight silos across Phelps Street, to Southwest Missouri State University (soon to be renamed Missouri State University) for one dollar. Now DOD's grant money is being spent to complete redevelopment of the main structure, and the university is negotiating with private firms to rent most of the space—reserving part of the space for university functions.

Fred Marty, the university's associate vice-president of administration services, explains that the innovation center will not be a business incubator. Rather, its aim is to research applications of biomaterials, nanotechnology and other advanced technologies, genomics, and biomedical instrument development, much of it tied to the DOD-funded research of Ryan Giedd, chair of the university's Department of Physics, Astronomy, and Materials Science. Private research firms are negotiating to set up labs to access Giedd's research and explore its commercial applications, Marty adds.

Assuming everything falls into place (including the university's approval of construction bids), conversion of the eight-story mill complex into the new innovation center is due to begin in December. The first tenants could move in by 2007. More than $7.6 million will be used to rehab the exterior of the existing building and to convert the first four floors for the university's use. Some of that amount came from a renovation grant obtained by U.S. Rep. Roy Blunt (R-Mo.).

Sherrie Matthews

An old feed mill in downtown being revamped

Marty says the university is trying to find another $4.4 million to pay for enhancements to phase one of the project. A total of $12 million more is needed to complete phase one and begin phase two, he says.

Although no tenants have yet signed a lease, the university has met with a number of private research firms and five are almost ready to commit, Marty adds. The university expects to choose tenants through a request for proposal process.

Ross and Baruzzini of St. Louis is the lead architect for the project. Others involved are Hera Health Educational Research Associates

cal. Ultimately, they decided not to pursue it," Costa says.

In the Oakhurst neighborhood, which is currently seeking historic district status, a committee of residents is engaged in the time-consuming process of organizing meetings block by block and debating the finer points of design guidelines, such as whether or not to allow aluminum windows or chain-link fences. "Everyone needs to know that if we're a historic district, it's based on their input," says Dennis Furlow, a member of the Oakhurst Historic District Committee.

The neighborhood's intense involvement gives it ownership of the historic designation, says Jerre Tracy, executive director of Historic Fort Worth, the city's nonprofit preservation organization. "When you see the landmarks commission at work, most people don't realize they're working on the behalf of the neighborhood," Tracy says. "What the commission is doing is implementing the agreed-upon district guidelines prepared by that particular district."

However, Fort Worth's approach does leave some neighborhoods vulnerable, Tracy says. "You need neighborhood leadership that is savvy and understands the opportunity."

An ongoing process

Owner consent will always be controversial because most people's homes are their largest investment, says Nick Arning. "I'm a veteran of many wars," he says. "People don't like the government telling them what they can do with their property."

Meanwhile, in Fort Worth's Mistletoe Heights, memories of the battle are fading. "You do try to remember that these are your neighbors," says Sherryl Simdon. "I love living in this neighborhood, even though the historic district issue is still kind of a sore point."

"The majority did want the district and prevailed," says Tracy. "Now this wonderful neighborhood is recognized as the great, historic place it really is."

Elizabeth Lunday is a writer based in Fort Worth, Texas.

Springfield, Missouri, is as a nanotechnology center.

of Kansas City and the Springfield firms of Sapp Design Associates, which will design the exterior of the building, and Butler Rosenberry, for structural engineering.

Part of the grand scheme

The innovation center is part of a larger, long-term plan to enliven the city's downtown. That plan resulted from a process called Vision 20/20, begun in the mid-1990s. After two years and about 25,000 hours of meetings involving hundreds of local residents, Vision 20/20 concluded that taxpayers wanted a community gathering space and a viable downtown, but they also wanted to retain the city's feed mills—two of which are located within the downtown area.

Now downtown also includes Jordan Valley Park, a 300-acre open space built on a brownfield site, a 140,000-square-foot exposition center, and the $34 million Hammons Field, home to the Springfield Cardinals, a minor league affiliate of the St. Louis Cardinals. Converting the mill complex into a research center is one piece of the Vision 20/20 plan.

Phase one of that conversion is well under way, as noted. Phase two will focus on creating manufacturing areas where research concepts can be converted into prototypes of tangible products. Finally, phase three would involve building expansion, Marty says. He expects the total makeover to take five years.

Particularly challenging are the silos at the east end of the complex. With a diameter of just 16 feet each, they are too small to be converted into hotel rooms or lofts, as has been done elsewhere. So far, Marty says, the plan is to strip away the conveyors and paint and preserve the silos.

With all the work involved, carving a research facility out of an old mill will cost about as much as new construction would, says Marty. Still, he says he is glad to reuse the old structure because of its iconic value to the city. Downtown revitalization has involved a decade-long partnership, with both the city and the university—as well as private firms—contributing. For the university, says Marty, reusing the old buildings "was the right thing to do."

Sherrie Matthews

Matthews is a freelance writer in Springfield, Missouri.

Resources

On the web. The Landmarks Preservation Council of Illinois provides its survey of owner consent online at www.landmarks.org/preservation_news.htm. California's Office of Historic Preservation Local Government Assistance department recently completed a report titled "Drafting Effective Historic Preservation Ordinances: A Manual for California's Local Governments." It includes sample text from ordinances around California. The entire report is available online at www.ohp.parks.ca.gov. Click on the link for Local Government Assistance. The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings are available online in an easy-to-use, illustrated form at www.cr.nps.gov/hps/tps/tax/rhb/.

Events. The National Alliance of Preservation Commissions holds its CAMP (Commission Assistance and Mentoring Program) around the U.S., with upcoming sessions October 21-22 in Plano, Texas and November 3-4 in Eureka Springs, Arkansas. For more information, check online at www.sed.uga.edu/pso/programs/napc/camp.htm or call (706) 542-4731. The National Trust for Historic Preservation holds its annual conference September 27-October 5 in Portland, Oregon. Visit www.nthpconference.org, call (202) 588-6100, or email conference@nthp.org for more information.